IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928

OP.No. 12286 of 2001(K)

PETITIONER:

P.OMANA, W/O.ANANDAN,
KOTTIYODE, THENKARA P.O., MNNARKKAD,
PALAKKAD DISTRICT.

BY ADV. SRI.K.MOHANA KANNAN

RESPONDENTS:

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1. REGISTRAR OF CO-OPERATIVE SOCIETIES, THIRUVANANTHAPURAM.

2. ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), MANNARKKAD.

3. MANNARKKAD CO-OPERATIVE AGRICULTURAL & RURAL DEVELOPMENT BANK LTD., REP. BY ITS SECRETARY, MANNARKKAD P.O., PALAKKAD.

4. SALE OFFICER, MANNARKKAD CO-OPERATIVE AGRICULTURAL & RURAL DEVELOPMENT BANK LTD., MANNARKKAD P.O., PALAKKAD.

BY SENIOR GOVT. PLEADER SRI.C.K.SURESH.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 07/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

Ext.P1	TRUE COPY OF RECEIPTS ISSUED BY THE BANK ON 8.1.1998 AND 31.5.1997.
EXT.P2	TRUE COPY OF REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT ON 1.10.99.
EXT.P3	TRUE COPY OF THE COMMUNICATION SUBMITTED BY THE PETITIONER ON 8.5.2000.
EXT.P4	TRUE COPY OF JUDGMENT IN O.P.NO.20601/2000-C DT.28.7.2000 RENDERED BY THIS HON'BLE COURT.
EXT.P5	TRUE COPY OF ORDER ISSUED BY THE SECOND RESPONDENT DATED NIL.
EXT.P6	TRUE COPY OF NOTICE DATED 19.1.2001 BY THE 4TH RESPONDENT.
EXT.P7	TRUE COPY OF GUIDELINES DATED 27.7.2000 ISSUED BY RESERVE BANK OF INDIA.
EXT.P8	TRUE COPY OF LETTER DATED 14.2.2001 BY THE PETITIONER TO RESPONDENTS 2 AND 3.
EXT.P9	TRUE COPY OF REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT WITH ACKNOWLEDGEMENT.
EXT.P10	TRUE COPY OF LETTER DATED 12.3.2001 ADDRESSED TO SANTHOSH KUMAR.

//TRUE COPY//

P.A. TO JUDGE.

J.M. JAMES, J.

W.P.(C) No. 12286 of 2001

Dated this the 7th December, 2006.

J U D G M E N T

The writ petitioner has approached this Court for quashing Ext.P6 sale proclamation of the property, as the loan amount due to the 3rd respondent, Mannarkkad Co-operative Agricultural & Rural Development Bank Ltd., was not repaid. During the pendency of the writ petition, the learned counsel appearing for the petitioner submitted that the entire amount due to the 3rd respondent Bank was repaid. However, the payment was effected during the period when one time settlement benefit was available to the defaulters. A representation also has been made to the 3rd respondent Bank, submits the counsel. It is also submitted that if the amount paid is in excess, as per Circular No.27/2006 dated 29.6.2006, the excess amount may be directed to be refunded.

2. Without expressing any opinion on the merit of the matter, I dispose of the writ petition, directing the 3rd respondent Bank to consider the representation made by the writ petitioner, and give the refund amount, if any, available to her, as per the Circular No.9/2006 dated 27.2.2006.

J.M. JAMES,
JUDGE

J.M.JAMES, J.

O.P.NO.12286 OF 2001

JUDGMENT

7th December, 2006.